

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 65th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Alan Doane, on January 25, 2017 at 8:00 AM, in Room 137 Capitol

ROLL CALL

Members Present:

Rep. Alan Doane, Chair (R)
Rep. Virginia Court, Vice Chair (D)
Rep. Laurie Bishop (D)
Rep. Bob Brown (R)
Rep. Jennifer Eck (D)
Rep. Ellie Hill Smith (D)
Rep. Kathy Kelker (D)
Rep. Casey Knudsen (R)
Rep. Theresa Manzella (R)
Rep. Nate McConnell (D)
Rep. Shane A. Morigeau (D)
Rep. Dale Mortensen (R)
Rep. Zac Perry (D)
Rep. Matt Regier (R)
Rep. Lola Sheldon-Galloway (R)
Rep. Barry Usher (R)
Rep. Kirk Wagoner (R)

Members Excused:

Rep. Seth Berglee, Vice Chair (R)
Rep. Bill Harris (R)
Rep. Kirk Wagoner (R)

Members Absent: None

Staff Present: Sara Fleming, Committee Secretary
Helen Thigpen, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 258, 1/18/2017
Executive Action: HB 231, HB 202, HB 208, HB 278, HB 277, HB 70, HB 181 &
HB 236

HEARING ON HB 258**Opening Statement by Sponsor:**

00:00:03 Rep. Ellie Hill Smith (D), HD 90, opened the hearing on HB 258, Require detention center to allow inmates free calls to attorney.

Proponents' Testimony:

00:07:35 Mariah Eastman, Self
00:10:43 Rep. Berglee joined the meeting
00:13:34 SK Rossi, American Civil Liberties Union (ACLU)
00:14:44 Beth Brennenman, Disability Rights Montana

Opponents' Testimony: None**Informational Testimony:**

00:16:02 Dave Galt, Montana Sheriffs and Peace Officers Association (MSPOA)

Questions from Committee Members and Responses:

00:16:32 Rep. Regier
00:16:57 Rep. C. Knudsen
00:17:18 Dave Galt, MSPOA
00:18:02 Rep. Usher
00:18:34 Rep. Hill Smith
00:20:25 Rep. Usher
00:21:23 Dave Galt, MSPOA
00:22:13 Rep. McConnell
00:22:50 Dave Galt, MSPOA
00:25:15 Rep. Court
00:25:45 Rep. Hill Smith
00:28:18 Rep. Sheldon-Galloway
00:28:52 Rep. Hill Smith
00:30:13 Helen Thigpen, Legislative Services Division (LSD)
00:30:24 Rep. Morigeau
00:30:59 Rep. Hill Smith
00:34:18 Rep. Eck
00:34:28 Rep. B. Brown
00:35:15 Dave Galt, MSPOA
00:35:30 Rep. Usher
00:36:25 Dave Galt, MSPOA
00:37:14 Rep. Eck
00:37:33 Mariah Eastman, Self
00:38:17 Rep. Bishop
00:38:44 Mariah Eastman, Self
00:40:18 Rep. B. Brown
00:40:50 Rep. Hill Smith
00:42:07 Chair Doane
00:42:23 Rep. Hill Smith
00:46:31 Rep. Usher
00:47:05 Rep. Hill Smith

Closing by Sponsor:

00:48:17 Rep. Hill Smith

00:48:44 Recess
01:05:20 Reconvene

01:05:31 Rep. Harris joined the meeting

EXECUTIVE ACTION ON HB 181

01:06:29 **Motion/Vote:** Rep. Court moved that **HB 181 BE TABLED**. Motion carried unanimously by voice vote. Rep. Eck and Rep. Wagoner voted by proxy.

EXECUTIVE ACTION ON HB 236**Discussion:**

01:07:53 Helen Thigpen, Legislative Services Division LSD

01:08:52 **Motion:** Rep. Berglee moved that **HB 236 DO PASS**.

Discussion:

01:09:04 Rep. Court
01:09:10 Rep. Hill Smith left the meeting

01:09:29 **Motion:** Rep. Berglee moved that **HB 236 BE AMENDED**.
[EXHIBIT\(juh18b01\)](#)

Discussion:

01:09:39 Chair Doane
01:09:42 Helen Thigpen, LSD
01:10:23 Rep Kelker
01:11:04 Chair Doane
01:11:58 Rep. Kelker
01:13:10 Rep. McConnell
01:14:00 Helen Thigpen, LSD
01:14:37 Rep. Court
01:14:54 Chair Doane

01:15:28 **Vote:** Motion carried 14-5 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck, Rep. Kelker and Rep. McConnell voting no. Rep. Eck, Rep. Hill Smith and Rep. Wagoner voted by proxy.

01:17:06 **Motion:** Rep. Berglee moved that **HB 236 DO PASS AS AMENDED**.

Discussion:

01:17:15 Rep. Court
01:17:41 Chair Doane

01:17:47 **Substitute Motion/Vote:** Rep. Court moved that **HB 236 BE TABLED**. Motion carried unanimously by voice vote. Rep. Eck, Rep. Hill Smith and Rep. Wagoner voted by proxy.

EXECUTIVE ACTION ON HB 70

Discussion:

01:20:25 Helen Thigpen, LSD
01:20:51 Chair Doane

01:20:55 **Motion:** Rep. Berglee moved that **HB 70 DO PASS**.

Discussion:

01:21:02 Rep. Kelker
01:22:00 Rep. C. Knudsen
01:22:14 Rep. Hill Smith joined the meeting
01:22:22 Rep. Morigeau
01:23:05 Chair Doane
01:23:17 Rep. Court
01:24:08 Rep. Kelker
01:24:26 Rep. Bishop
01:25:21 Rep. Usher
01:25:52 Chair Doane
01:26:31 Rep. Kelker
01:28:37 Rep. Court
01:29:53 Rep. Morigeau

01:30:51 **Vote:** Motion failed 9-10 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck, Rep. Hill Smith, Rep. Kelker, Rep. McConnell, Rep. Morigeau, Rep. Mortensen and Rep. Perry voting aye. Rep. Eck and Rep. Wagoner voted by proxy.

01:32:19 **Motion/Vote:** Rep. Court moved that **HB 70 BE TABLED**. Motion carried unanimously by voice vote. Rep. Eck and Rep. Wagoner voted by proxy.

EXECUTIVE ACTION ON HB 278

Discussion:

01:33:37 Chair Doane
01:33:47 Rep. Usher
01:34:05 Helen Thigpen, LSD

01:34:28 **Motion:** Rep. Berglee moved that **HB 278 DO PASS**.

Discussion:

01:34:38 Rep. Regier

01:34:58 **Vote:** Motion carried unanimously by voice vote. Rep. Eck and Rep. Wagoner voted by proxy.

EXECUTIVE ACTION ON HB 277**Discussion:**

01:36:28 Helen Thigpen, LSD

01:37:19 **Motion:** Rep. Berglee moved that **HB 277 DO PASS.**

Discussion:

01:37:26 Chair Doane

01:37:30 Rep. Court

01:37:47 Helen Thigpen, LSD

01:38:59 Rep. Court

01:39:08 Chair Doane

01:39:20 Recess

01:46:18 Reconvene

Discussion:

01:46:24 Rep. Regier

01:47:29 **Vote:** Motion carried 15-4 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck and Rep. Morigeau voting no. Rep. Eck and Rep. Wagoner voted by proxy.

EXECUTIVE ACTION ON HB 231**Discussion:**

01:49:08 Helen Thigpen, LSD

01:50:28 **Motion:** Rep. Berglee moved that **HB 231 DO PASS.**

01:50:35 **Motion:** Rep. C. Knudsen moved that **HB 231 BE AMENDED.**
EXHIBIT(juh18b02)

Discussion:

01:51:16 Helen Thigpen, LSD

01:51:27 Rep. C. Knudsen

01:51:37 Chair Doane

01:52:56 Rep. Harris

01:53:38 Rep. Kelker

01:54:12 Helen Thigpen, LSD

01:55:14 Chair Doane

01:55:20 Rep. C. Knudsen

01:55:35 Rep. Morigeau

01:56:02 Rep. Wagoner joined the meeting

01:57:38 Rep. B. Brown

01:58:22 Rep. Harris

01:59:17 Rep. Court

01:59:53 Rep. C. Knudsen

02:00:35 Rep. Harris

02:01:06 **Vote:** Motion carried 11-8 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck, Rep. Hill Smith, Rep. Kelker, Rep. McConnell, Rep. Morigeau and Rep. Perry voting no. Rep. Eck voted by proxy.

02:02:36 **Motion:** Rep. Berglee moved that **HB 231 BE AMENDED.**
EXHIBIT(juh18b03)

Discussion:

02:02:40 Helen Thigpen, LSD
02:03:31 Rep. Berglee
02:03:48 Rep. Kelker
02:04:19 Rep. Berglee
02:05:00 Rep. Sheldon-Galloway

02:05:31 **Vote:** Motion carried 17-2 by roll call vote with Rep. Hill Smith and Rep. McConnell voting no. Rep. Eck voted by proxy.

02:06:59 **Motion:** Rep. Berglee moved that **HB 231 DO PASS AS AMENDED.**

Discussion:

02:07:07 Rep. B. Brown
02:07:27 Rep. Court
02:07:45 Rep. McConnell
02:08:39 Rep. Morigeau
02:10:31 Rep. Berglee
02:12:07 Rep. Harris
02:12:18 Rep. Morigeau
02:13:12 Rep. Mortensen
02:14:00 Rep. Bishop
02:14:30 Chair Doane
02:14:40 Rep. McConnell
02:16:45 Chair Doane
02:16:54 Rep. Morigeau
02:18:25 Rep. McConnell
02:18:33 Rep. Harris
02:19:47 Rep. McConnell
02:20:13 Rep. Berglee
02:21:52 Rep. Morigeau

02:22:24 **Vote:** Motion carried 11-8 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck, Rep. Hill Smith, Rep. Kelker, Rep. McConnell, Rep. Morigeau and Rep. Perry voting no. Rep. Eck voted by proxy.

EXECUTIVE ACTION ON HB 202

02:24:50 **Motion:** Rep. Wagoner moved that **HB 202 DO PASS.**

Discussion:

02:25:07 Helen Thigpen, LSD

02:25:48 **Motion:** Rep. Wagoner moved that **HB 202 BE AMENDED.**

[EXHIBIT\(juh18b04\)](#)

Discussion:

02:26:04 Helen Thigpen, LSD
02:26:44 Rep. Wagoner
02:28:15 Helen Thigpen, LSD
02:28:44 Rep. Wagoner
02:29:37 Rep. Kelker
02:30:02 Rep. Wagoner
02:33:56 Rep. McConnell
02:34:49 Rep. Wagoner
02:37:36 Rep. McConnell
02:38:29 Rep. Usher
02:39:09 Helen Thigpen, LSD
02:39:55 Rep. Court
02:40:16 Rep. Wagoner
02:41:30 Rep. Bishop
02:42:29 Rep. Wagoner
02:46:19 Rep. Manzella

02:48:35 **Vote:** Motion carried 15-4 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck and Rep. Kelker voting no. Rep. Eck voted by proxy.

02:49:12 Rep. Usher left the meeting

02:50:18 **Motion:** Rep. Berglee moved that **HB 202 DO PASS AS AMENDED.**

Discussion:

02:50:37 Rep. Wagoner
02:51:30 Rep. Harris
02:52:26 Rep. Kelker
02:55:26 Chair Doane
02:56:39 Rep. Bishop

02:58:08 **Vote:** Motion carried 12-7 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck, Rep. Kelker, Rep. McConnell, Rep. Morigeau and Rep. Perry voting no. Rep. Eck and Rep. Usher voted by proxy.

EXECUTIVE ACTION ON HB 208

03:00:00 **Motion:** Rep. Berglee moved that **HB 208 DO PASS.**

Discussion:

03:00:11 Helen Thigpen, LSD

03:00:54 **Motion:** Rep. Wagoner moved that **HB 208 BE AMENDED.**

[EXHIBIT\(juh18b05\)](#)

Discussion:

03:01:02 Helen Thigpen, LSD
03:02:11 Rep. Wagoner
03:03:37 Rep. Kelker
03:04:20 Rep. Wagoner
03:05:34 Rep. Bishop
03:06:25 Rep. Usher joined the meeting
03:06:31 Rep. Hill Smith left the meeting
03:06:49 Rep. Wagoner
03:07:43 Helen Thigpen, LSD
03:08:29 Rep. Wagoner
03:08:46 Rep. Bishop
03:09:25 Rep. Wagoner
03:09:30 Rep. McConnell
03:10:27 Rep. Bishop
03:11:17 Rep. Wagoner
03:13:21 Rep. Kelker
03:14:26 Rep. Wagoner
03:15:04 Chair Doane
03:15:12 Rep. Bishop
03:16:12 Rep. Wagoner
03:17:07 Rep. Court
03:17:55 Rep. Wagoner
03:18:13 Chair Doane

03:18:36 **Vote:** Motion carried unanimously by roll call vote. Rep. Eck and Rep. Hill Smith voted by proxy.

Discussion:

03:18:47 Rep. Wagoner
03:19:10 Chair Doane

03:19:23 **Motion/Vote:** Rep. Court moved that **HB 208 BE TABLED**. Motion failed 3-16 by roll call vote with Rep. Court, Rep. Eck and Rep. Kelker voting aye. Rep. Eck and Rep. Hill Smith voted by proxy.

03:22:38 **Motion:** Rep. Wagoner moved that **HB 208 DO PASS AS AMENDED**.

Discussion:

03:23:45 Rep. McConnell

03:24:06 **Vote:** Motion carried 14-5 by roll call vote with Rep. Court, Rep. Eck, Rep. Kelker, Rep. McConnell and Rep. Perry voting no. Rep. Eck and Rep. Hill Smith voted by proxy.

Committee Business:

03:25:39 Chair Doane
03:26:10 Rep. Usher
03:26:33 Rep. Court
03:27:05 Chair Doane

ADJOURNMENT

Adjournment: 03:27:18

Sara Fleming, Secretary

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Additional Documents:

EXHIBIT([juh18bad.pdf](#))